

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
MAY - 8 2006
MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00070

DATE: 05/08/2006

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Court Reporter: Wanda M. Miles

Hearing Electronically Recorded: 9:05:18 - 9:26:07

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: F. Tenorio / P. Tajjeron

***** APPEARANCES *****

DEFT: KANYA ALEXANDER DAILEY

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY: JAMES MCHUGH

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: MARIA CRUZ

U.S. MARSHAL:

() COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____

Base offense level:

Total offense level:

Criminal History Category:

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT

Requested the Court to sentence defendant to 1 year probation.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION: Recommended 1 year probation.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

SENTENCE: CR-05-00070

DEFENDANT: KANYA ALEXANDER DAILEY

(X) DEFENDANT TO BE CONFINED AT THE FEDERAL DETENTION FACILITY IN GUAM FOR A TERM OF 5 DAYS WITH CREDIT FOR TIME SERVED.

(X) UPON RELEASE FROM CONFINEMENT, DEFENDANT IS PLACED ON PROBATION FOR A TERM OF 2 YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR LOCAL CRIME
2. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO UP TO EIGHT ALCOHOL TESTS PER MONTH UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS ACCEPTED BY THE COURT.
4. DEFENDANT SHALL REFRAIN FROM THE USE OF ALL ALCOHOLIC BEVERAGES.
5. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR SUBSTANCE ABUSE, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER HE HAS REVERTED TO THE USE OF ALCOHOL. THE DEFENDANT SHALL ALSO MAKE CO-PAYMENT FOR THE PROGRAM AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
6. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$20.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS. DEFENDANT TO REMAIN RELEASED.

Courtroom Deputy: 